

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARMEN YAPUNDZHYAN,
Plaintiff,
v.
SCOTT KERNAN, et al.,
Defendants.

Case No. [12-cv-03425-YGR](#) (PR)

**ORDER DIRECTING CLERK TO UPDATE
PLAINTIFF'S ADDRESS; DIRECTING
DEFENDANTS TO MAIL DISPOSITIVE
MOTION TO PLAINTIFF'S NEW
ADDRESS; AND *SUA SPONTE* GRANTING
PLAINTIFF EXTENSION OF TIME TO
FILE OPPOSITION**

Plaintiff filed this *pro se* civil rights complaint pursuant to 28 U.S.C. § 1983. Dkts. 1, 4. Thereafter, Plaintiff filed an amended complaint. Dkt. 10. On August 28, 2014, the undersigned judge issued an Order of Partial Dismissal and Service, finding that the amended complaint stated certain cognizable claims against some of the named Defendants. Dkt. 11.

Before the Court is Defendants' Motion for Summary Judgment and Motion to Dismiss. Dkt. 33. Plaintiff has neither filed an opposition to Defendants' dispositive motion nor has he filed a motion for an extension of time to do so.

The Court's electronic case management filing system indicates that Plaintiff's current address is at Pelican Bay State Prison ("PBSP"). However, Clerk's Office staff has conducted a search on the California Department of Corrections and Rehabilitation Inmate Locator database, which revealed that Plaintiff has been transferred to the California Medical Facility ("CMF"). To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case since filing his amended complaint. The Court notes that nothing sent to Plaintiff at PBSP by the Clerk of the Court has come back undeliverable, including its most-recent Order dated January 14, 2015. Dkt. 32.

Defendants' dispositive motion was sent to Plaintiff at PBSP on February 24, 2015. Dkt. 33. The Court directs Defendants to file a notice indicating whether or not Plaintiff's copy of their motion was returned as undeliverable. Defendants shall also mail another copy of their motion and all the attachments thereto to Plaintiff at his new address at CMF.

The Court assumes that Plaintiff's transfer to CMF may have been close in time to the

filing of Defendants' dispositive motion. Therefore, the Court finds that an extension of time for Plaintiff to file an opposition to Defendants' dispositive motion is warranted. Accordingly, the Court *sua sponte* GRANTS Plaintiff an extension of time to file his opposition, as directed below.

CONCLUSION

For the reasons outlined above, the Court orders as follows:

1. The Clerk of the Court shall update Plaintiff's address and mail his copy of this

Order to:

ARMEN YAPUNDZHYAN
T67180
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696-2000.

In an abundance of caution, the Clerk shall also mail a copy of this Order to Plaintiff's previous address at PBSP.

2. No later than **three (3) days** from the date of this Order, Defendants shall file a notice indicating whether or not Plaintiff's copy of their dispositive motion was returned as undeliverable. By the same deadline, Defendants shall also file a certificate of service indicating that they have mailed another copy of their dispositive motion and all attachments thereto (dkt. 33-41) to Plaintiff's new address at CMF.

3. Plaintiff's opposition to the dispositive motion shall be filed with the Court and served on Defendants no later than **twenty-eight (28) days** from the date of this Order. Plaintiff shall refer to the Court's August 28, 2014 Order of Partial Dismissal and Service for a further explanation on summary judgment. Dkt. 11 at 7-8.

4. Defendants shall file a reply brief no later than **fourteen (14) days** after the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion unless the Court so orders at a later date.

IT IS SO ORDERED.

Dated: May 15, 2015


YVONNE GONZALEZ ROGERS
United States District Judge